

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO <i>ex rel.</i>)	
State Engineer,)	
)	
Plaintiff,)	No. CV 07941 BB
)	
)	RIO CHAMA Stream System
)	
ROMAN ARAGON, <i>et al.</i> ,)	Sections 3, 5 and 7
)	
Defendants.)	
)	

**JOINT MOTION TO AMEND SCHEDULING ORDER
FOR FEDERAL NON-INDIAN WATER RIGHTS CLAIMS**

The State of New Mexico *ex rel* State Engineer (“State”) and the United States of America (“United States”) by and through their counsel, jointly move the Court to amend the March 1, 2005 Scheduling Order for Federal Non-Indian Water Rights Claims (Docket No. 7770), as amended October 31, 2005 (No. 8029) and May 24, 2007 (No. 8644) (“Amended Scheduling Order”) to extend the deadline for submitting a proposed Amended Consent Order determining the federal non-Indian, non-Wild and Scenic River claims (“Federal Proprietary Claims”) made by the United States in Section 3 of this adjudication.. The grounds for this motion are as follows:

1. Pursuant to the Amended Scheduling Order, on August 29, 2007 the State served a proposed Amended Consent Order on the United States addressing each of the additional Federal Proprietary Claims made by the United States in **Section 5** of this adjudication, and also served a copy of the proposed Amended Consent Order on counsel for the Gallina-Capulin Acequia Association.

2. The Amended Scheduling Order provided for the United States to file objections, if any, to the additional claims in the State’s proposed Amended Consent Order, and for any

acequia within **Section 5**, if it had an objection, to file a Motion to Intervene by November 14, 2007. No objections or Motion to Intervene have been filed.

3. The Amended Scheduling Order also granted an extension of time to the State to issue proposed Consent Orders to the United States addressing each of the Federal Proprietary Claims made by the United States in **Section 3** of this adjudication, and also serve a copy of the proposed Consent Orders on counsel for the *Asociacion de Acequias Nortenas de Rio Arriba*, by November 17, 2007.

4. The State and the United States completed its initial field inspections of the United States' claim sites in **Section 3** in October 2006, and conducted additional field inspections in the 2007 field season, which were completed by September 2007. However, in keeping with the Order Amending the September 22, 2006 Administrative Order on Case Management Priorities entered on July 16, 2007 (No. 8732), the State has devoted its limited technical staff to primary subfile work in Sections 3 and 7, as a first priority matter, rather than the federal proprietary claims in Section 5, a second priority matter. Despite completing the field inspections this field season, the State and the United States require additional time to resolve any discrepancies in the descriptions and to obtain documentation regarding the priority of these claims.

5. Therefore, the State and the United States request an additional extension of time to March 31, 2008, for the State to submit a proposed Consent Order to the United States addressing each of the Federal Proprietary Claims made by the United States in **Section 3** and also serve a copy of the proposed Consent Orders on counsel for the *Asociacion de Acequias Nortenas de Rio Arriba*. The United States shall file objections, if any, to the State's proposed Consent Orders, and any acequia within **Section 3**, if it has an objection, shall file a Motion to Intervene by June 13, 2008.

WHEREFORE, the parties request the Court to enter an Order:

- 1) vacating the deadlines for serving the proposed Consent Order in Section 3 of this adjudication;
- 2) extending the deadlines for the State to serve a proposed Consent Order in Section 3 to March 31, 2008, and for the United States to file objections and the Asociacion de Acequias Nortenas de Rio Arriba to file a Motion to Intervene to June 13, 2008.

Respectfully submitted:

/s/Arianne Singer
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CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of December 2007, I filed the foregoing electronically through the CM/ECF system, which caused the parties on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail.

/s/
Arianne Singer